



ICF KAISER ENGINEERS GROUP

ICF Kaiser Engineers, Inc.
Licensed Real Estate Broker
5440 NW 33rd Avenue, Suite 112
Ft. Lauderdale, FL 33309-7021
954/777-5200 Fax 954/777-5201

September 18, 1996

FCC MAIL ROOM

SEP 25 1996

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DOCKET FILE COPY ORIGINAL

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

RE: **Preemption of Local Zoning Regulation of Satellite Earth Stations, IB Docket No. 95-59 and Implementation of Section 207 of the Telecommunications Act of 1996, CS Docket No. 96-83**

Dear Mr. Caton:

American's major concern with the Telecommunications Act is the fact the our **Private Property Rights** of the real estate ownership are being restricted. Whether these restrictions are beneficial or not depends on how these restrictions impact each property owner. While an owner of property which can be used for this purpose may see an increase in value, an owner of property which cannot be connected may see a resulting decrease in value.

We are writing in response to the FCC's Report and Order and Further Notice of Proposed Rulemaking released on August 6, 1996, which asked for comments with regard to placement of an antenna on common areas of leased premises, property not within the exclusive control of a person with an ownership interest, where a landlord is legally responsible for maintenance and repair and can be liable for failure to perform its duties properly. We enclose six (6) copies of this letter, in addition to this original.

ICF Kaiser Engineers, Inc., is in the licensed real estate business, and manages and leases a large number of properties throughout the country. Information about our company is attached.

We are concerned that imposition of a rule granting persons a presumptive right to receive over-the-air signals--persons who do not have an ownership interest in the property they occupy through lease agreement with a property owner--will adversely affect the conduct of our business without justification and needlessly raise additional legal issues. We question whether the Commission has the authority to require us to allow the physical invasion of our property. We must retain the authority to control the use of our property, for several reasons.

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Mr. William F. Caton
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The FCC should not extend regulations implementing Section 207 of the Telecommunications Act of 1996 to situations in which the viewer does not have exclusive use or control and a direct ownership interest in the property where the antenna is to be installed, used and maintained. There are many factors such as safety, security, aesthetics, liability, and insurance costs that a private property owner must consider and manage on a day-to-day basis. All of these factors are vital to the operation of an office building and cannot be discounted or properly compensated for on a uniform basis.

The weight or wind resistance of a satellite and the quality of installation may create maintenance problems and--more importantly--a hazard to the safety of occupants, building employees, and passers-by. Damage to the property caused by water seepage into the building interior, corrosion of metal mounts, or weakening of concrete could lead to safety hazards and very costly maintenance and repair. Additionally, slipshod or faulty contractors might create safety problems during installation.

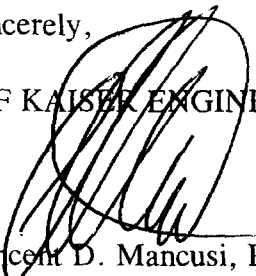
The technical limitations of satellite technology create problems because all of our tenants may not be able to receive certain services. It is our understanding that satellites are only positioned in certain areas, thus limiting access. But a building-type of satellite dish or antenna mounted on the roof of our property is not necessarily the answer because of the great variation in condition and quality of roofs, and it may be totally impractical and uneconomical to provide service to a small universe of potential subscribers.

In conclusion, we urge the FCC to avoid interfering in our relationships with our tenants. All of the potential problems we cite will adversely affect the safety and security of our property as well as our bottom line and our property rights. Thank you for your attention to our concerns. As true Americans, we shall always fight to keep **"Our Private Property Rights"**!!

Should you or your staff have any questions, please call me at (954) 777-5228.

Sincerely,

ICF KAISER ENGINEERS, INC.



Vincent D. Mancusi, R.P.A.
Property Manager



ICF KAISER

ENGINEERING & CONSTRUCTION GROUP

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SUBJECT: **INTRODUCTION - ICF KAISER ENGINEERS, INC.
VINCENT MANCUSI, R.P.A.**

Dear Sir :

I am pleased to announce my recent association with ICF Kaiser Engineers, Inc. (ICF Kaiser), the leader in providing expert right of way consultant services throughout the State of Florida. ICF Kaiser offers a complete turnkey professional service program to assist you in the purchase of real property for improvements and construction, real estate development, or corridor selection studies. Our experienced staff can provide services to help the acquisition process stay on schedule and in line with project needs. We also provide avenues for arriving at equitable settlements to avoid costly litigation.

OUR SERVICES

Appraisal Services

☐ Cost Estimates ☐ Appraisals ☐ Appraisal Review

Our staff of professional appraisers and researchers provides a full range of services including appraisal, appraisal review, and consulting. With our computerized tracking system capabilities, extensive market data, and appraisal expertise, we produce timely, high-quality work at a competitive price.

Acquisition Services

☐ Negotiations ☐ Suit Preparation ☐ Mediation Services

Our real estate acquisition specialists are highly qualified professionals with an overall knowledge of the complete acquisition process, from engineering, design, and appraisal practices to procedures for negotiating an effective closing. We also possess strong communication skills to effectively explain difficult issues and empathize with concerned property owners.

Relocation Services

☐ Conceptual Relocation Plans ☐ Needs Assessment ☐ Advisory Services

Facilitating the relocation of individuals, families, businesses, industrial plants, farms and other site occupants can be one of the most time-consuming parts of any project. Under the strict requirements of the Uniform Relocation Act and other applicable federal and state regulations, project displacees must be afforded their full rights and benefits in a timely and humane fashion.



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Property Management Services

- | | | |
|---|---|--|
| <input type="checkbox"/> Physical Inspections | <input type="checkbox"/> Reports and Accounting | <input type="checkbox"/> Inventories |
| <input type="checkbox"/> Surplus Sales & Demolition | <input type="checkbox"/> Rental of Properties | <input type="checkbox"/> Records Maintenance |

ICF Kaiser's Property Management Department has extensive experience in the professional management of a wide variety of property types. ICF Kaiser offers these services in property management in such a fashion that they can be tailored to fit your requirements.

Environmental Services

- | | | |
|---|--|---|
| <input type="checkbox"/> Environmental Audits | <input type="checkbox"/> Asbestos Surveys | <input type="checkbox"/> Contamination Assessment & Remediation |
| <input type="checkbox"/> Relocation Environmental Assistance Programs | <input type="checkbox"/> Underground Storage Tank (UST) Management | |

One of the most formidable challenges facing today's Real Estate Acquisition program is the proper resolution of environmental problems. Compliance and enforcement activities are becoming increasingly prevalent, resulting in substantial penalties and even criminal prosecution. Prompt environmental response is the key to a project's timely and successful completion.

As you can see, our expertise ranges from technical guidance and pre-offer consultations to performing specified portions of the acquisition process including appraisal, environmental assessment, acquisition, relocation assistance, and property management, as well as the administration, management, and implementation of an entire real estate program. We can provide these services separately for you, or as program managers for the entire project effort.

I'll be calling you in the near future to discuss any of your needs and the possibilities of our organizations doing business together. Thank you for taking the time to review and/or comment on our services. Should you or your staff have any questions, please call me at (954) 777-5200.

Thanking you in advance.

All my best,

ICF KAISER ENGINEERS, INC.

Vincent D. Mancusi, R.P.A.

cc: Tom Marwood, Manager - Right of Way

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